

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII**

----- In the Matter of -----

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to
Investigate the Implementation
of Feed-In Tariffs.

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) DOCKET NO. 2008-0273
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PUBLIC UTILITIES
COMMISSION

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FILED

**MAUI LAND & PINEAPPLE COMPANY, INC.'S MOTION FOR APPROVAL
TO AMEND ITS STATUS AS AN INTERVENOR/PARTY TO A PARTICIPANT**

DECLARATION OF ROBERT I. WEBBER

and

CERTIFICATE OF SERVICE

MORIHARA LAU & FONG LLP

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**MAUI LAND & PINEAPPLE COMPANY, INC.'S MOTION FOR APPROVAL
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MAUI LAND & PINEAPPLE COMPANY, INC. ("MLP"), by and through its attorneys, Morihara Lau & Fong LLP, hereby moves the Honorable Public Utilities Commission of the State of Hawaii (the "Commission") for approval to amend its current status as an intervenor/party to a participant in this proceeding ("Motion"). This Motion is made pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-41 and 6-61-56, and is supported by the Declaration of Robert I. Webber attached hereto and incorporated herein by reference. Specifically, MLP is requesting approval that its participation in this proceeding be hereinafter reduced to allow MLP to: (1) monitor the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financially or otherwise), as alleged in its November 13, 2008 Motion to Intervene, are adequately protected, and (2) file a final statement of position in accordance with the Stipulated Regulatory Schedule approved

by the Commission,¹ to the extent it deems necessary. Pursuant to HAR § 6-61-41(b), MLP does not request a hearing on this Motion. In support of its Motion, MLP states as follows:

1. Brief Background and Reasons for Requested Relief

By Order Granting Intervention, filed on November 28, 2008, the Commission granted intervenor status to MLP. As such, MLP is currently a party to the instant proceeding. As an intervenor or party in this proceeding, MLP believes that it has fully participated in accordance with said Order Granting Intervention and Order Approving the HECO Companies' Proposed Procedural Order, as Modified, filed on January 20, 2009 ("Order Approving Procedural Order").

As previously stated in prior submissions, MLP has been in the process of developing a significant integrated renewable energy park to be situated on MLP's properties that are within MECO's service territory. MLP expects the renewable energy park to be of significant size, approximately 100 megawatts ("MW"), at full build-out. The nature of the renewable energy park output will be a mix of intermittent (i.e., as-available) and firm capacity renewable power or energy. This renewable energy project is planned to consist of a mix of renewable power technologies and sizes including, without limitation, approximately 30 MW of wind turbine systems, 45 MW of photovoltaic ("PV") systems, and 25 MW of pumped storage systems.

Upon review of the Joint Proposal on Feed-In Tariffs ("FIT") submitted by the HECO Companies and the Division of Consumer Advocacy ("Consumer Advocate")

¹ See Order Approving the HECO Companies' Proposed Procedural Order, as Modified, filed on January 20, 2009. Hawaiian Electric Company, Inc. and its subsidiaries Maui Electric Company, Limited ("MECO") and Hawaii Electric Light Company, Inc. are collectively hereinafter referred to as "HECO Companies."

on December 23, 2008, said proposed FIT appears to limit the size of the renewable energy systems to no greater than 250 kilowatts for the island of Maui, and restrict the technology to PV systems, concentrated solar power, in-line hydropower, and wind renewable energy systems. Assuming that these limitations and/or restrictions are ultimately approved and adopted by the Commission to be incorporated as part of MECO's initial FIT, MLP's proposed renewable energy systems, described above, will be significantly larger than the systems being considered in this proceeding. Accordingly, MLP's proposed systems will likely be, in effect, disqualified at this juncture and at least until such initial FIT is updated by MECO (e.g., at least 2 years after initial implementation of the initial FIT as represented by the HECO Companies and Consumer Advocate in their December 23, 2008 proposal).

Nonetheless, MLP contends that its participation in this proceeding to the degree allowed by the Commission² is critical to ensure that the key policy and design elements of a FIT ultimately approved and adopted by the Commission in this proceeding do not materially impact MLP and/or its affiliates in its pursuit of present and future renewable energy projects on the island of Maui. In light of the above and upon further review of the final issues set by the Commission in this proceeding,³ MLP now

² HAR § 6-61-56 (a) provides, in relevant part: "A person or entity in whose behalf an appearance is entered in this manner is not a party to the proceeding and may participate in the proceeding only to the degree ordered by the [C]ommission."

³ Footnote 18 of MLP's November 13, 2008 Motion to Intervene stated the possibility that MLP may be requesting Commission approval to reduce its participation in the proceeding to a participant as follows:

As discussed herein, MLP is seeking Commission approval for full intervenor or party status, under HAR § 6-61-55, as it believes that its interests and/or rights will be substantially impacted at least by the preliminary and informal issues raised by the Commission in its Order Initiating Investigation. However, as noted in Section 10 above, MLP will not be able to affirmatively state its position on the final issues to be addressed in this proceeding until subsequent to the issuance

desires and seeks Commission approval to amend its status as an intervenor/party to a participant. MLP contends that it has met the requirements for participation without intervention under HAR § 6-61-56 since it has already met the requirements for intervention under HAR § 6-61-55, which MLP believes carries an even higher standard and, therefore, incorporates by reference MLP's allegations set forth in its November 13, 2008 Motion to Intervene. As a participant and consistent with its actions to date as a party or intervenor in this proceeding, MLP will not participate in a manner that would unreasonably broaden the pertinent issues established in this docket or unduly delay the proceeding. Furthermore, MLP asserts that its request to reduce its status from party or intervenor to participant is consistent with other proceedings. See, e.g., In re Puuwaawaa Waterworks, Inc., Docket No. 00-0005, Order No. 19152 (January 18, 2002) (approval of parties' stipulation to change status in that proceeding from an intervenor to a participant).

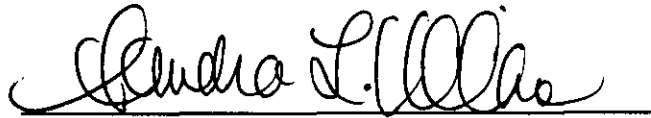
2. Conclusion and Summary of Relief Requested

Based on the foregoing, MLP respectfully requests that the Commission grant its Motion to amend its current status as an intervenor or party to be a participant in this proceeding, and allow MLP to continue to participate in this proceeding by:

by the Commission of either a stipulated procedural order or procedural order, which will likely occur sometime after December 10, 2008. At that time, MLP will be able to review and analyze the final issues and may determine that its participation as a party in this proceeding could be reduced to simply monitoring the proceeding and stating a position on the issues to ensure, among other things, that its interests and/or rights are adequately protected. If MLP determines that its participation as a party to this proceeding could be reduced, it will submit the appropriate motion. As such, if MLP is allowed to participate in this proceeding, MLP respectfully requests that the Commission not limit or restrict its participation in this proceeding until after the final issues to be addressed in this proceeding are determined by the existing parties and/or intervenors and participants, if any.

(1) monitoring the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financially or otherwise) are adequately protected, and (2) filing a final statement of position in accordance with the Stipulated Regulatory Schedule approved by the Commission in this proceeding, to the extent it deems necessary.^{4 5}

DATED: Honolulu, Hawaii, February 24, 2009.

A handwritten signature in black ink, appearing to read "Sandra L. Wilhide", written over a horizontal line.

KENT D. MORIHARA
KRIS N. NAKAGAWA
SANDRA L. WILHIDE
RHONDA L. CHING

Morihara Lau & Fong LLP
Attorneys for MAUI LAND & PINEAPPLE
COMPANY, INC.

⁴ In light of MLP's instant Motion to amend its status as an intervenor or party to be a participant in this proceeding and unless the Commission determines otherwise, it is MLP's understanding that it will not be required to adhere to the Stipulated Regulatory Schedule approved pursuant to the Order Approving Procedural Order (e.g., filing an Opening Statement of Position on February 25, 2009), except for the submission of its final statement of position, to the extent it deems necessary.

⁵ As part of this Motion an electronic signature is being submitted with the Declaration of Robert I. Webber. The original signature will be filed separately with the Commission subsequent to the filing of the instant Motion.

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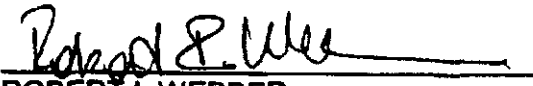
DECLARATION OF ROBERT I. WEBBER

I, ROBERT I. WEBBER, declare as follows:

1. I am the President and Chief Executive Officer of Maui Land & Pineapple Company, Inc. ("MLP").
2. I am offering this Declaration in support of MLP's Motion for Approval to Amend Its Status as an Intervenor/Party to a Participant in the instant docket.
3. I have reviewed MLP's Motion for Approval to Amend Its Status as an Intervenor/Party to a Participant, and I hereby declare that the statements and/or representations made therein are true and accurate to the best of my knowledge, information and belief.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

Executed February 24, 2009, at Kahului, Maui, Hawaii.


ROBERT I. WEBBER

CERTIFICATE OF SERVICE

I hereby certify that on this date I served copies of the foregoing document on the following parties, by causing copies hereof to be mailed, postage prepaid, properly addressed or hand delivered to the following:

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DATED: Honolulu, Hawaii, February 24, 2009.



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